

REMARKS

Claims 1-15 are pending in the present application. The applicants respectfully request reconsideration and allowance of the present application in view of the above amendments and the following remarks.

Claims 2-6, 14 and 15 stand rejected under 35 USC §112, second paragraph, as being allegedly indefinite. Without acknowledging the propriety of the rejection, the Applicants have amended the claims in the interest of clarity and to expedite prosecution and not for reasons related to patentability.

Applicants submit that to establish a *prima facie* case of indefiniteness, evidence must be presented to show that one of ordinary skill in the art would not have understood the scope and meaning of the claims when read in light of the specification. To address matters of clarity or form an objection would have been proper.

Applicants note that claim 2 is amended to recite, *inter alia*, an intake apparatus wherein the amounts of the air permeation of said air-permeable members are adjusted so that the sound pressure of the intake sound is set to be equal to or one of slightly greater than and slightly less than the sound pressure of the transmitted sound. Claim 3 is amended to recite, *inter alia*, an intake apparatus wherein the sound pressure of the intake sound is set to be equal to or slightly greater than the sound pressure of the transmitted sound. Claims 2 and 3 are amended to more clearly recite the claimed invention and not for reasons related to patentability.

Support for the amendments can be found in the applicants' specification, for example in the paragraph beginning at page 27, line 12, and elsewhere in the specification, in describing for example, optimizing the amount of air permeation of the air permeable members in order to finely tune the intake sound and the transmitted sound. Such description of tuning provides clear support for the claimed features of setting the sound pressure of the intake sound to be equal to

or one of slightly greater than and slightly less than the sound pressure of the transmitted sound and setting the sound pressure of the intake sound to be equal to or slightly greater than the sound pressure of the transmitted sound.

Applicants further believe that claim 4, in reciting that the sound pressure of the intake sound is set to fall within a range of the sound pressure of the transmitted sound to the sound pressure of the transmitted sound + 3 dB, is consistent with the features of claims 2 and 3 as amended.

Claims 14 and 15 are also amended herein to address the matters of form only and not for reasons related to patentability.

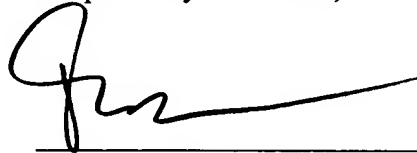
The indication of allowance with regard to claims 1 and 7-13 is noted with great appreciation. The allowability of claims 2-6, 14 and 15 is noted with appreciation. Applicants have addressed the matters of clarity with regard to claims 2-6, 14 and 15 and believe claims 2-6, 14 and 15 are now in condition for allowance.

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In view of the foregoing, the applicants respectfully submit that the present application is in condition for allowance. A timely notice to that effect is respectfully requested. If questions relating to patentability remain, the examiner is invited to contact the undersigned by telephone.

Please charge any unforeseen fees that may be due to Deposit Account No. 50-1147.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'R. L. Scott, II', written over a horizontal line.

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